



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File C.A. No.
1:00-1898 (SAS)
MDL 1358

This Document Relates To:

City of Fresno v. Chevron U.S.A., Inc., et al.,
Case No. 04-Cv-04973

**DECLARATION OF JAMES R. WEDEKING IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT FOR LACK OF EVIDENCE PERTAINING
TO CAUSATION**

I, James R. Wedeking, hereby declare:

1. I am a member of the bar of the State of Maryland and the District of Columbia. I am a staff attorney at the law firm of Sidley Austin LLP and counsel of record for Defendants Duke Energy Merchants, LLC and Northridge Petroleum Marketing U.S., Inc.
2. I make this declaration in support of Defendants' Motion for Summary Judgment for Lack of Evidence Pertaining to Causation. As counsel for Defendants Duke Energy Merchants, LLC and Northridge Petroleum Marketing U.S., Inc., I have actively participated in pre-trial matters, including discovery, motion practice, and several discussions with counsel for Plaintiff City of Fresno regarding its claims and evidence in support of those claims.
3. Some records identified herein begin with Bates prefixes RWQCB-FRESNO or FCDEH-FRESNO. It is my understanding that these documents were produced by the California Regional Water Quality Control Board and the Fresno County Department of Environmental Health, respectively, to the City of Fresno. After their production, the City of Fresno made

these documents available to all defendants through a third-party vendor named Valley Document Solutions.

4. Attached hereto as Exhibit 1 are true and correct copies of the following documents related to Fresno's station matrix illustrating its claims against various defendants at certain retail gasoline stations at issue in this case:
 - a. Letter from Evan Eickmeyer to all counsel (Sept. 17, 2012) with attached "Station Matrix;"
 - b. Letter from Evan Eickmeyer to Whitney Jones Roy (Oct. 5, 2012) with attached Revised Station Matrix.
 - c. Letter from Michael Axline to James R. Wedeking (Mar. 6, 2013)
5. Attached hereto as Exhibit 2 are true and correct copies of correspondence between counsel for the moving defendants and counsel for Fresno regarding the Plaintiff's dismissal of moving defendants from various retail gasoline stations listed on Fresno's Station Matrix.
 - a. Letter from Evan Eickmeyer to Nargues Motamed (Oct. 5, 2012) (agreeing to dismiss Tesoro as a defendant for the Smith Tank Lines (former Carey Oil), Beacon # 3519, Beacon-ARCO # 615, and Tulare Exxon stations);
 - b. Letter from Michael Axline and Evan Eickmeyer to James R. Wedeking (Feb. 8, 2013) (agreeing to dismiss the Duke defendants from the Smith Tank Lines (former Carey Oil), Van Ness Auto, Tulare Exxon, Beacon # 3519, and Beacon-ARCO #615 stations);
 - c. Letter from Michael Axline and Evan Eickmeyer to Jeffrey J. Parker (Feb. 8, 2013) (agreeing to dismiss nuisance claims against Kern Oil for M&S Texaco; Coastal Chem and Kern Oil for Tosco #30587; Kern Oil and Tesoro for Valley Gas; Coastal

Chem and Kern Oil for Chevron #9-4374; Kern Oil for Shell (1212); Coastal Chem and Kern Oil for Unocal # 6353; Tesoro for U&A Gas & Food Mart; Coastal Chem for Gilbert's Exxon; Coastal and Kern Oil for Van Ness Auto; Kern Oil and Valero for Smith Tank Lines; Coastal Chem and Kern Oil for Red Triangle; Coastal Chem and Kern Oil for Chevron #9-9093; Coastal Chem and Kern Oil for Tosco # 39118; Kern Oil for Beacon # 3519; Kern Oil for Beacon-ARCO # 615; Coastal Chem and Kern Oil for Tulare Exxon).

6. Attached hereto as Exhibit 3 are true and correct copies of documents, produced by the County of Fresno Department of Environment and Health ("FCDEH-FRESNO"), Regional Water Quality Control Board ("RWQCB-FRESNO"), related to the Red Triangle Oil site located at 2809 South Chestnut. Exhibit 3 also includes true and correct copies of documents produced by persons currently or formerly associated with the Red Triangle Oil in response to subpoenas from the Plaintiff. These documents include the Bates prefix "REDTRIANGLE-HOH" for documents produced by former site owner Joel Hohenshelt and "REDTRIANGLE-SHE" for documents produced by current owner James Shehadey.
 - a. FCDEH-FRESNO-014832, InterCity Petroleum Certification of Financial Responsibility (May 7, 1999).
 - b. FCDEH-FRESNO-014918, County of Fresno Department of Environment and Health, Permit to Operate an Underground Storage Tank (Nov. 18, 1998);
 - c. REDTRIANGLE-HOH-000008, Letter from Gail Blue to Joel Hohenshelt (Nov. 2, 2001).
 - d. RWQCB-FRESNO-009868 (Underground Storage Tank Abandonment Inspection Form) (Dec. 14, 1998).

- e. RWQCB-FRESNO-009869, Underground Storage Tank Abandonment Inspection Form (Sept. 23, 1998).
- f. RWQCB-FRESNO-009925, Excerpts of Letter from James D. Parker, Parker Environmental Services to Bryce Ruschaupt, California Petroleum Equipment (Sept. 30, 1998).
- g. RWQCB-FRESNO-009932, Excerpts of Letter from James D. Parker, Parker Environmental Services to Bryce Ruschaupt, California Petroleum Equipment (Dec. 28, 1998).
- h. REDTRIANGLE-SHE-000053, Original bill of lading (Feb. 14, 2003).
- i. REDTRIANGLE-SHE-000102, Original bill of lading (July 25, 2003).
- j. REDTRIANGLE-SHE-000127, Original bill of lading (Nov. 3, 2003).

7. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition of Joel Hohenshelt, taken February 9, 2011.

8. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the deposition testimony of James Shehadey, taken March 16, 2011.

9. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the deposition testimony of Gail Blue, taken March 18, 2011.

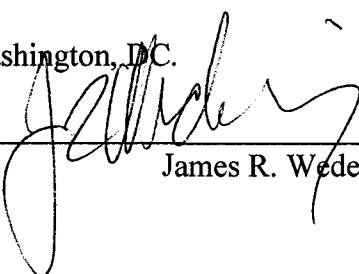
10. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition testimony of Glen Blue, taken March 17, 2011.

11. Attached hereto as Exhibit 8 is a true and correct copy of the Declaration by A.J. Kaberline (April 22, 2011), provided on behalf of ExxonMobil.

12. Attached hereto as Exhibit 9 is a true and correct copy of an excerpt from the Expert Site Specific Report of Marcel Moreau (Nov. 2, 2011), submitted on behalf of Plaintiff City of Fresno, pertaining to Red Triangle Oil.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15 day of March, 2013 at Washington, D.C.


James R. Wedeking